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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR11-35-MJP

12 v.

13 KEVIN MORAN,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16
17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on August 24,
19 2010. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Steven Hobbs, and defendant was represented by Jennifer Wellman. Also
21 present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on July 15, 2008, by the Honorable Fred Van Sickle in the Eastern
District of Washington for Theft of Government Property. He received twelve months and one
day of detention and three years of supervised release.

On June 16, 2010, a violations report and summons was submitted to the Court in the
Eastern District of Washington alleging that Mr. Moran had violated his conditions by failing to

1 report a change in residence and consuming alcohol. It was also noted in that report that Mr.
2 Moran continued to report being unemployed, but that the U.S. Probation Office was
3 investigating allegations that Mr. Moran owned and operated his own construction company that
4 he failed to report to the U.S. Probation Office. The Court took no action after making no
5 findings on the allegations on January 11, 2010.

6 On February 7, 2011, jurisdiction of Mr. Moran's case was transferred to the Western
7 District of Washington.

8 On March 1, 2011, a violation and summons report was submitted to the Court alleging that
9 Mr. Moran violated his conditions of supervision by failing to truthfully answer the inquiries of
10 the probation officer, obtaining a new line of credit without the permission of the probation
11 officer, and failing to make restitution payments. The Court issued a summons and Mr. Moran
12 appeared on March 29, 2011, and admitted to all allegations. On May 25, 2011, the Court
13 modified the offender's conditions to include a 180 day term of home confinement with
14 electronic monitoring and Sobriotor.

15 **PRESENTLY ALLEGED VIOLATIONS**

16 In a petition dated July 29, 2011, U.S. Probation Officer Calvin K. Bouma, Jr., alleged that
17 defendant violated the following conditions of supervised release:

18 1. Failing to comply with the location monitoring (LM) program on July 22, 2011, in
19 violation of the special condition requiring he participate in the Location Monitoring Program
20 with electronic monitoring and the Sobriotor (alcohol testing device) as directed by the probation
21 officer for a period of 180 days.

22 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

23 Defendant admitted the above violation, waived any hearing as to whether it occurred, and

1 was informed the matter would be set for a disposition hearing September 16, 2011 at 1:30 p.m.,
2 before District Judge Marsha J. Pechman.

3 **RECOMMENDED FINDINGS AND CONCLUSIONS**

4 Based upon the foregoing, I recommend the court find that defendant has violated the
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 24th day of August, 2011.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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